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Robert Short

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EXAMINER

HEYER, DENNIS

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Attached Continuation Sheet (from 11):

In the remarks filed, June 9, 2010, Applicant traverses the basis for the rejections maintained in the Final Office Action mailed April 9, 2010 of pending Claims 1, 3 – 25 and 33 – 38.

Applicant sets forth a number of arguments previously presented in the Remarks filed February 1, 2010. The Examiner's response to these arguments is of record in the Office Action mailed April 9, 2010 and, accordingly will not be reiterated.

Regarding a new argument presented in the remarks filed June 9, 2010, Applicant contends that in applying the Yan reference, the Examiner, in arriving at the conclusion that heparin is immobilized to the stent of Yan, fails to acknowledge that the solution employed by Yan 'contaminates' the purity of the heparin. Applicant points out that *"it is explicitly stated in the instant specification, polysaccharide may be adsorbed pure and not contaminated; the specification defines "not contaminated" as not being subjected to albumin or salts. (See Instant Specification, paragraph [0056]). Exposure to the heparin saline solution of Yan appears to go against this definition of "not contaminated"* (Remarks, page 6, 1st paragraph).

This argument is not found to be persuasive because page 12, 2nd paragraph of the present specification discloses: *"In assays, it is preferred that the polysaccharide is adsorbed pure. Moreover it is preferred that the polysaccharide is not contaminated"*

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(e.g. with albumin or salts)..” Accordingly, Applicant has not provided a limiting definition of ‘contaminated’, merely a preference that, in assays, the polysaccharide is adsorbed in the absence of albumin or salts.

It is noted that the section of the specification (p [0056]) pointed to by Applicant as defining the term “not contaminated” is confusing because the copy of the specification provided by Applicant to the Office is not divided into paragraphs. The Examiner has cited the relevant portion of the present specification that refers to the term “not contaminated”.

The Examiner acknowledges Applicant pointing out the distinction between “adsorption” and “absorption” (Remarks, pages 1- 2, bridging paragraph) and regrets the inadvertent use of the term “passively absorbed” in place of “passively adsorbed” in citing the Short reference. Clearly, the intent was to indicate that the substrates of Short are “adsorbed”, i.e. bound to a surface by an attractive force.

Finally, in the remarks Filed June 9, 2010, Applicant states “Through this amendment, new Claim 38, has been added” (Remarks, page 1, Status of Claims). Claim 38 is not a new claim but was previously presented in the claim Amendments submitted February 1, 2010. Applicant is reminded that should prosecution be reopened, the status code of Claim 38 needs to be changed from ‘new’ to ‘previously presented’ (see C.F.R § 1.121; section 5(c)).

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